

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mineo Yamakawa et al.

Application No.: 10/749,532

Confirmation No.: 8878

Filed: December 30, 2003

Art Unit: 1639

For: METHODS FOR IDENTIFYING A PEPTIDE
THAT BINDS A GEOMETRICAL SHAPE

Examiner: T. D. Wessendorf

INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant would like to thank Examiner Wessendorf for the telephone interview held April 23, 2008. In the interview, Applicants' representative noted that under MPEP 706.07(b) the claims of a new application may be finally rejected in the first Office action only in those situations where,

(A) the new application is a continuing application of, or a substitute for, an earlier application, and (B) **all claims of the new application (1) are drawn to the same invention claimed in the earlier application**, and (2) would have been properly finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. (Emphasis added).

In the preliminary amendment accompanying the RCE filed on October 30, 2007, Applicants made numerous amendments to independent claim 1. Thus, the claims of the new application (filed on October 30, 2007) were drawn to a different invention than claimed in the earlier application. This is true notwithstanding the fact that the Examiner applied the same art in

rejecting the new claims. Per the telephone interview, Examiner Wessendorf has agreed to remove finality.

Dated: April 24, 2008

Respectfully submitted,

By /Martin Sulsky/

Martin Sulsky

Registration No.: 45,403

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Intel Corporation